

1 Making the Connection

UNDERSTANDING THE FEDERAL ROLE

The Individuals with Disabilities Education Improvement Act (IDEA 2004) is an entitlement. This federal law entitles children and youth with disabilities, among other rights, to a free and appropriate public education (FAPE). To help ensure that children and youth with disabilities are receiving their entitlements, IDEA 2004 provides for the establishment of the Office of Special Education Programs (OSEP). OSEP is responsible for making sure that States are meeting the federal requirements and following through on the assurances they provided in their application. The Monitoring and State Improvement Planning division of OSEP is charged with creating policies and procedures to determine whether States are carrying out their responsibilities under the law.

So, just like LEAs that get monitored by the State, the Monitoring and State Improvement Planning division of OSEP monitors the State. So who oversees OSEP and its Monitoring division? The short answer is “Congress”—congressional committees are charged with the responsibility of overseeing what OSEP is doing and for holding it accountable.

What members of Congress want to know is: “Are children and youth with disabilities benefiting as a result of their entitlements under IDEA 2004?” Legislators want to know if all the money that Congress provides to States is truly making a positive difference in the lives of children and youth with disabilities. As one might guess, these questions are very complex and difficult to answer.

UNDERSTANDING THE STATE ROLE

Federal funds under IDEA 2004 are not just automatically allocated to States. Every State must submit an application for funds. In this application, the State must provide assurances (certain requirements in order to obtain the funding). While vastly more complex, one might think of it as a “contract” that is made between the State and federal government to provide children and youth with disabilities their entitlements provided by federal law, in this case, IDEA 2004.

The growing emphasis on performance measurement over the past several years has prompted a corresponding increase in the need for States to collect and report data in a manner that demonstrates accountability with IDEA requirements. No longer is it sufficient for States just to submit “counts” of infants, toddlers, and children and youth with disabilities without reflecting what the numbers “mean” with regard to the effective implementation of IDEA. States are now compelled to analyze and synthesize data to address such issues as disproportionate representation, effective transition, and other monitoring priority areas—all for the purpose of guiding program improvement.

The critical question is: “How effectively is our State implementing the federal requirements of IDEA and how do we know it?”

While testimonials, assurances, and personal conjecture may sometimes contribute to “knowing,” the emphasis is clearly now on what the data “say”—data collection, data analysis, and data reporting now comprise the authoritative sources of “showing what you know.”

UNDERSTANDING THE LOCAL ROLE

This process of “showing what you know” for the States can only be accomplished through the collaboration and cooperation of the local education agency (LEA) or district—the entity that actually “creates” the data. It is the District staff that decides the amount of access to the general education curriculum, the means of determining whether a child has a disability, or if a 16-year old student with a disability is provided with a transition program that leads to meaningful post-school outcomes. It is in the hands of the District to carry out the law at the “street level.”

In a sense, it is the local level staff that represents the first order in the “educational hierarchy” that generates what we have come to think of as data. Using local knowledge affords a unique level of engagement that can generate ideas regarding ways to measure targets, and ways to ensure that targets are measurable. Clearly, local knowledge plays a vital role in the policy flow of federal-State-local implementation.

ACCOUNTABILITY AND IDEA 2004

The Individuals with Disabilities Education Improvement Act of 2004 (P.L. 108-446) contains very important accountability provisions not yet encountered in any previous iterations of this law that have major implications for both the State Education Agency and the Local Education Agency.

There are some parallels that can be drawn between NCLB and IDEA 2004. For example, like NCLB, the accountability provisions of IDEA 2004 requires the State to annually report on the performance of every District/LEA in relation to targets indicated on the State Performance Plan (SPP). As such, the annual public reporting required by IDEA 2004 is much like how local schools have to report on the academic progress of students in various “subgroups” for NCLB.

These major accountability and enforcement provisions of IDEA 2004 were not a feature of previous federal laws involving the education of children and youth with disabilities. Because these provisions are likely to have widespread implications with regard to how SEAs and LEAs collect data and report progress, it is imperative that LEA Directors of Special Education and others involved in the implementation of federal law at the local level become well-informed with the State Performance Plan(SPP) and the Annual Performance Report (APR).

THE STATE PERFORMANCE PLAN (SPP)

About the State Performance Plan

Each State is required to develop and submit a State Performance Plan (SPP) to the Secretary of Education. According to IDEA 2004, “each State must have in place a performance

plan that evaluates the State's efforts to implement the requirements and purposes of Part B of the IDEA and describe how the State will improve such implementation." The SPP represents a six-year plan that each State had to submit by December 2, 2005. One of the main features of the SPP is for the State to provide "rigorous and measurable" targets from 2005 to 2011.

The Annual Performance Report (APR) is identical in content to the SPP, except that its purpose is for the State to provide annual information and/or clarification with regard to reporting to the public on the progress or slippage in meeting SPP "measurable and rigorous targets". As such, the SPP represents the overall "long-term" performance plan while the APR is intended to provide annual updates on SPP progress. The APR is due annually on February 1st and is the State's method for reporting on the data gathered by districts on performance around the 20 Indicators for the previous federal fiscal year.

Composition of the SPP/APR

Both the SPP and APR include identical components comprised of:

- (1) *Monitoring Priorities*, and (2) *Indicators*.

Monitoring Priorities are the three broad areas under IDEA 2004: (1) Free and Appropriate Public Education in the Least Restrictive Environment, otherwise referred to as "FAPE in the LRE", (2) Disproportionality, and (3) Effective General Supervision.

For each Monitoring Priority, there are one or more Indicators. A Performance Indicator is a statement that implicitly describes certain expectations or outcomes associated with the Monitoring Priority.

For example, the first Performance Indicator under the FAPE Monitoring Priority is: *Percent of youth with individualized education programs (IEPs) graduating from high school with a regular diploma compared to percent of all youth in the State graduating with a regular diploma*. Obviously, implicit within this indicator is a sense of "direction" – that is, the notion that the State should show evidence of a higher—not lower—percentage of students graduating with a regular diploma. Likewise, other Indicators are stated in a similar fashion. In all, the Part B SPP/APR currently contains 20 Indicators.

Why Is It Important to Understand the SPP/APR?

If there is any one point to understand when making the federal, State, and local connection with IDEA 2004, it is this – the State is required to provide annual information with regard to reporting to the public on the progress or slippage in meeting "measurable and rigorous targets," including the performance of each local educational agency (LEA) located in the State on the SPP targets. What this means is that the State is responsible for reporting its progress on the SPP to the public, including each—which means every—LEA in the State. It could be argued that the "link" between federal, State, and local systems of accountability was somewhat "fuzzy" in the past – this is no longer the case. Under IDEA 2004, accountability for results is explicit and interdependent. This means that everyone has to understand what the "rules" are and what needs to be done to show that infants, toddlers, children and youth with disabilities and their families are being provided with their

entitlements under the law and in doing so, are improving results. In this case, the “rules” are the Indicators of the SPP/APR.

What is equally important to understand is that there is really nothing “new” in terms of the issues that persons in the field of special education have been facing for years.

Graduation and dropout rates, suspension and expulsion, participation in State-wide assessments, secondary transition, and other SPP/APR priorities are issues with which LEAs are well familiar and have focused many of their local professional development and improvement activities on for years. What is new about the SPP/APR is that the State must publicly report performance of each LEA in relation to the “rigorous and measurable” targets set by the State. These targets are quantitative and represent a benchmark of performance that States must meet.

THE IDAHO STATE PERFORMANCE PLAN

The focus for all States must be those Monitoring Priority Areas outlined in IDEA 2004; FAPE in the LRE, General Supervision, and Disproportionality. Although state must focus on those specific areas, they must also continue to address the compliance and performance across IDEA which are represented by all of the Monitoring Areas and the Performance Indicators. IDSDE has made efforts to incorporate the new requirements from IDEA 2004 into our current Idaho Continuous Improvement Monitoring System. All the monitoring activities center around the improvement of the Monitoring Priority Areas and the Performance Indicators. The outline for the organization of those areas and the relationship to existing components can be found on the next page.

Where do I Find Information?

The State rankings or Determination Levels can be found on the Department of Education website. For more information on how Idaho or your District has ranked you can visit the IDSDE website or contact the Special Education IDSDE office. For a current copy of Idaho’s SPP and APR please visit the IDSDE Special Education website.

The Monitoring Areas for Idaho

Area	Items	Indicators	CIP Goals
General Supervision	Child Find Charter Schools Private Schools Highly Qualified Personnel Confidentiality Due Process Monitoring Fiscal –VI-B Application Accurate & Timely Data	15 16 17 18 19 20	Increase the number of highly qualified personnel Increase use of information technology
Secondary Transition and Outcomes	Graduation Dropout Secondary IEP Transition Services	1 2 13 14	Increase Graduation Rate Increase Dropout Rate Increase Post School Outcomes for Students
Early Childhood Transition and Outcomes	Interagency Agreements EC Transition EC IEP/IFSP & LRE	6 7: A,B,&C 12	
Parent Involvement	Procedural Safeguards Prior Written Notice of Proposed Action Informed Consent Participation Language Progress Reports Parent Survey	8	Increase parent/family/community partnerships that support the education of all students
FAPE in the LRE	IEP BIP Suspension and Expulsion Discipline Assessments – Performance and Participation LRE	3: A,B,&C 5 (4: A&B were removed)	Increase statewide test participation Increase academic performance on statewide assessments Decrease suspensions and expulsions
Disproportionality	Evaluation and Eligibility Pre-Referral Interventions and Process Referral Process Non-biased Evaluation	9 10 11	